

Notice of Allowability

Application No.

09/518,342

Examiner

Joseph W. Drodge

Applicant(s)

HUSEK, PETR

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on December 19, 2003.
2. ☒ The allowed claim(s) is/are 1-14 and 33-67, now renumbered claims 1-49.
3. ☒ The drawings filed on 03 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>0104</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lowell Anderson on January 13, 2004.

The application has been amended as follows:

In claim 1, in line 13 "can be separately" has been replaced with --are capable of being--and in lines 13-14 "during use of the cartridge" has been replaced with --by pressure--.

In claim 8, in lines 8-9 "separately moveable" has been deleted and in line 9 "during use of the cartridge" has been replaced with --which are capable of being expelled through the distal opening by pressure--.

In claim 33, in line 8 "means retained" has been replaced with --retaining means-- , in line 12 "that can pass in and" has been replaced with --capable of being expelled-- and in line 13 "during use of the cartridge" has been replaced with --by pressure--.

In claim 35, in line 9 "of" has been replaced with --containing--, in line 10 "over" has been replaced with --at--and in line 13 "and out of" has been deleted.

In claim 46, in line 8 "of" has been replaced with --containing--, in line 12 "and out of" has been deleted and in line 13 "into or" has been deleted.

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In claim 51, in line 8 "of" has been replaced with --containing-- and in line 12 "and out of" has been deleted.

In claim 54, in line 3 "cover" has been replaced with --barrier--.

In claim 63, in line 1 "53" has been replaced with --52--.

In claim 64, in line 1 "55" has been replaced with --54--.

In claim 65, in each of lines 5 and 8 "fist" has been replaced with --first--, and in line 8 --by pressure-- has been inserted after "opening" and "the" (second occurrence) has been replaced with --a--.

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 8 and 33 now distinguish over the prior art of record, generally in view of respective recitations "sor bent material....capable of being expelled...pressure". None of the prior art of record suggests sor bent material with the recited properties and characteristics, to non-obviously enhance further analysis or processing of the sor bent. The language added to the claims by Examiners Amendment is supported on page 4, paragraph 11 of the Instant Specification.

Independent claims 35,46,51,52 and 54 remain distinguished substantially for reasons of record.

New independent claim 65 distinguishes in view of "a plurality of sor bent materials...coated...expelled through the first opening...by pressure".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph W. Drodge whose telephone number is 571-272-1140. The examiner can normally be reached on 8:30-5:00 Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

JWD

January 13, 2004


JOSEPH DUDGE
PRIMARY EXAMINER